

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE CARLOS DELPALACIO,

Petitioner,

v.

M. L. MUNIZ, Warden,

Respondent.

Case No. 16-04190 EJD (PR)

**ORDER DENYING MOTION FOR
CERTIFICATE OF
APPEALABILITY**

(Docket No. 28)

On April 24, 2018, the Court dismissed Petitioner's pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 on the grounds that it was untimely, and entered judgment accordingly. (Docket Nos. 25 and 26.) In the same order, the Court denied a certificate of appealability. (Docket No. 25 at 10.) Accordingly, Petitioner's post judgment motion for a certificate of appealability, (Docket No. 28), is **DENIED** for the same reason stated in Court's order denying the petition:

Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).


(Docket No. 25 at 10.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This order terminates Docket No. 28.

IT IS SO ORDERED.

Dated: 6/27/18



EDWARD J. DAVILA
United States District Judge

Order Denying COA
P:\PRO-SE\EJD\HC.16\04190Delpalacio_coa